

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

FNTV, LLC

Plaintiff,

- against -

STARNES MEDIA GROUP, TODD STARNES

Defendant

Docket No. 1:22-cv-4042-HG

**DECLARATION OF OLIYA FEDUN**

I, OLIYA FEDUN, hereby swear under the penalty of perjury that the following is true and correct to the best of my personal knowledge:

1. I am the company representative and founding member of plaintiff FNTV, LLC (“Plaintiff”) in this action.
2. I respectfully submit this declaration in support of my application for entry of default judgment against Starnes Media Group and Todd Starnes (“Defendants”) pursuant to Fed.R.Civ.P. 55(b) and Local Rule 55.2(b).
3. Plaintiff is the copyright claimant of the registered video of a Black Lives Matter protest that is the subject of this litigation (the “Video”). *See* Complaint, Ex. 1.
4. Defendants displayed the Video in an article on its commercial website at URL <https://www.toddstarnes.com/crime/video-black-lives-matter-protest-turns-violent-in-nyc/> (the “Website”) without my authorization. *See* Complaint, Ex. 2.

5. I am in possession of a copyright registration certificate for the Video, bearing no. PA 2-283-676, with the effective date of February 23, 2021 (the “676 Registration”). Attached as Exhibit A is a true and correct copy of the 676 Registration. A deposit copy of the Video was submitted to the Copyright Office as part of the application for the 676 Registration.

6. Although there is no licensing fee history for this specific Video, I estimate that I would have been reasonably entitled to charge up to \$5000.00 for use of the Video in the commercial manner used by Defendant.

7. As evidence to support this damages claim, I respectfully submit as a benchmark license fee for a similar video an invoice that Plaintiff issued to third-party media outlet CNN in the amount of \$5000.00 for use of one of FNTV’s political-related videos. Attached as Exhibit B is a true and correct copy of the benchmark license fee, showing that a similar video license was issued to CNN on January 27, 2022.

Dated: Astoria, New York

Nov 28 2022, 2022

  
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OLIYA FEDUN